

## Agenda

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# *Town of Fairview*



## Agenda

Town Council Meeting

**February 8, 2016**

7:00 pm

*(Meeting to be held at the Old Fairview School)*

**1. Call the meeting to order: ---Mayor Thomas**

Invocation

Pledge of Allegiance

- a. Agenda Changes
- b. Approval of Agenda

**2. Public Comments\*\* / Presentations:**

**3. Reports:**

- a. Financial and Tax Reports --- *Darrell Baucom*
- b. Land Use Report --- *See Report Attached*
- c. Park and Recreation Report --- *Jerry Clontz*
- d. CRTPO --- *See Report Attached*
- e. Monroe/Union County Economic Development Committee Report --- *See Report Attached*

**4. Items of Business:**

**Item 1: Approve** Contact with N-Focus for Fairview Council Retreat Facilitation  
--- *Mayor Thomas*

- a) Select date and time for retreat

# Agenda

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**Item 2: Adopt** Fairview Council Rules of Procedure --- *Mayor Thomas*

**Item 3: Discuss** Code of Ethics Policy --- *Mayor Thomas*

**Item 4: Discuss** Invocation Policy --- *Mayor Thomas*

**Item 5: Create** “Fairview Festival” Committee --- *Mayor Thomas*

**Item 6: Renew** Order granting Temporary Permit # TP 14-037 for six months (new permit will expire September 2016) in the name of Gregory Morgan- 6508 Morgan’s Cove Road, Monroe, NC 28110. The permit would allow Morgan to add a manufactured home to his property (Parcel #08192012) for the purpose of caring for a relative—under Section 179 of the Fairview Land use Ordinance ---*Ed Humphries*

**Item 7: Approval** of Minutes:

a) Regular Council Meeting – January 11, 2016

**5. Council Comments:**

**6. Adjournment**

**AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

**\*\* Public Comments are limited to 3 minutes**

# Reports

3:58 PM  
01/30/16  
Accrual Basis

# Town of Fairview

## Balance Sheet

As of January 31, 2016

	Jan 31, 16	Jun 30, 15
<b>ASSETS</b>		
<b>Current Assets</b>		
<b>Checking/Savings</b>		
American Community Bank	197,579.94	387,855.57
Bank of NC	957,031.57	955,069.87
<b>Total Checking/Savings</b>	1,154,611.51	1,342,925.44
<b>Other Current Assets</b>		
Franchise Tax Receivable	43,188.53	43,188.53
<b>Investments</b>		
Investments NCCMT	965.19	964.95
<b>Total Investments</b>	965.19	964.95
PARTF Grant receivable	0.00	12,527.50
Prepaid assets	0.00	3,288.50
Sales Tax Receivable	4,001.24	4,001.24
Taxes receivable	3,661.36	4,635.53
<b>Total Other Current Assets</b>	51,816.32	68,606.25
<b>Total Current Assets</b>	1,206,427.83	1,411,531.69
<b>Fixed Assets</b>		
Accumulated Depreciation	-7,474.08	-7,474.08
Computer Equipment	12,643.66	12,643.66
Furniture and Equipment	1,698.00	1,698.00
Land	219,516.33	219,516.33
Land improvements	10,145.00	10,145.00
Leasehold improvements	2,500.00	2,500.00
<b>Total Fixed Assets</b>	239,028.91	239,028.91
<b>Other Assets</b>		
Park development costs	25,055.00	25,055.00
<b>Total Other Assets</b>	25,055.00	25,055.00
<b>TOTAL ASSETS</b>	<b>1,470,511.74</b>	<b>1,675,815.80</b>
<b>LIABILITIES &amp; EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts Payable		
Accounts Payable	8,000.00	18,235.46
<b>Total Accounts Payable</b>	8,000.00	18,235.46
<b>Other Current Liabilities</b>		
Accrued payroll	3,436.07	3,436.07
Deferred revenue - ad valorem	4,635.53	4,635.53
Payroll Liabilities	1,800.85	482.37
<b>Total Other Current Liabilities</b>	9,872.45	8,553.97
<b>Total Current Liabilities</b>	17,872.45	26,789.43
<b>Total Liabilities</b>	17,872.45	26,789.43
<b>Equity</b>		
Equity		
Fixed assets	264,083.91	264,083.91
<b>Total Fund Balance</b>	1,244,247.72	1,244,247.72
<b>Total Equity</b>	1,508,331.63	1,508,331.63
Retained Earnings	140,494.54	0.23
Net Income	-196,186.88	140,494.31
<b>Total Equity</b>	1,452,639.29	1,648,826.17
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>1,470,511.74</b>	<b>1,675,815.80</b>

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01/30/16

Accrual Basis

**Town of Fairview**  
**Profit & Loss Budget vs. Actual**  
 July 2015 through January 2016

	<u>Jul '15 - Jan 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Ad Valorem taxes	54,307.16	52,100.00	2,207.16
Cable TV franchise taxes	2,064.37	1,400.00	664.37
Interest on delinquent taxes	94.81		
Investment Income	2,028.78	1,400.00	628.78
Motor vehicle taxes	4,843.09	4,025.00	818.09
PARTF Grant reimbursement	5,505.00	160,000.00	-154,495.00
Sales and use tax	13,513.74	14,585.00	-1,071.26
Sales and use tax refund	130.26		
Utility Franchise taxes	84,208.12	75,000.00	9,208.12
Zoning fees	1,700.00	2,800.00	-1,100.00
<b>Total Income</b>	<b>168,395.33</b>	<b>311,310.00</b>	<b>-142,914.67</b>
<b>Expense</b>			
Advertising and Promotion	353.22	455.00	-101.78
Audit fees	6,800.00	6,800.00	0.00
Bank Service Charges	24.51	140.00	-115.49
Capital outlay	19,010.00	317,550.00	-298,540.00
Charitable Contributions	211,836.67	225,000.00	-13,163.33
Collection fees	904.88	840.00	64.88
Computer and Internet Expenses	4,335.15	4,085.00	250.15
Dues and Subscriptions	5,143.00	5,000.00	143.00
Elections expense	0.00	3,145.00	-3,145.00
Grants	4,000.00	7,500.00	-3,500.00
Insurance Expense	4,706.98	5,835.00	-1,128.02
Legal fees	3,522.24	3,500.00	22.24
Miscellaneous Expense	234.72	0.00	234.72
Office Supplies	1,011.59	1,750.00	-738.41
Park Maintenance	100.00	14,000.00	-13,900.00
Park start-up and nonreimburse	35,037.40	35,000.00	37.40
Payroll Expenses	17,884.17	20,715.00	-2,830.83
Payroll taxes	2,976.56	3,475.00	-498.44
Planning and zoning	24,160.57	24,513.00	-352.43
Public Safety	17,500.00	17,500.00	0.00
Rent Expense	1,750.00	1,750.00	0.00
Telephone Expense	1,772.05	2,100.00	-327.95
Training fees	1,065.00	1,000.00	65.00
Travel Expense	453.50	1,000.00	-546.50
<b>Total Expense</b>	<b>364,582.21</b>	<b>702,653.00</b>	<b>-338,070.79</b>
<b>Net Ordinary Income</b>	<b>-196,186.88</b>	<b>-391,343.00</b>	<b>195,156.12</b>
<b>Net Income</b>	<b>-196,186.88</b>	<b>-391,343.00</b>	<b>195,156.12</b>

4:03 PM

01/30/16

Accrual Basis

**Town of Fairview**  
**Transactions by Account**  
**As of January 31, 2016**

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>American Community Bank</b>							<b>203,293.25</b>
Paycheck	01/11/2016	101498	Darrell H. Baucom			640.32	202,652.93
Paycheck	01/11/2016	101504	Teresa Gregorius			615.89	202,037.04
Paycheck	01/11/2016	101500	Gary H Wilfong			138.52	201,898.52
Paycheck	01/11/2016	101497	Bradley W Purser			138.52	201,760.00
Paycheck	01/11/2016	101499	Edward D Humphries			1,975.42	199,784.58
Paycheck	01/11/2016	101501	Jerry C. Clontz			161.61	199,622.97
Paycheck	01/11/2016	101502	John A Biggers, Jr.			138.52	199,484.45
Paycheck	01/11/2016	101503	Phillip C Thomas			184.70	199,299.75
Check	01/11/2016	101505	Clark, Griffin and McColl...			375.00	198,924.75
Check	01/11/2016	101506	Edward D Humphries	expense reimbursement		137.20	198,787.55
Check	01/11/2016	101507	RLI Surety Bond	Land use administrator ...		100.00	198,687.55
Check	01/11/2016	101508	Gary H Wilfong	Lodging while attending ...		116.61	198,570.94
Check	01/11/2016	101509	Phillip C Thomas	Lodging while attending ...		107.35	198,463.59
Check	01/11/2016	101510	American Legion Post 535	Donation for activities fo...		4,000.00	194,463.59
Check	01/11/2016	101491	Fairview VFD and Rescue	payment on fire truck		13,142.31	181,321.28
Check	01/11/2016	101492	Fairview VFD and Rescue	public safety		2,500.00	178,821.28
Check	01/11/2016	101493	Fairview VFD and Rescue	rent		250.00	178,571.28
Check	01/11/2016	101494	Computer Networkd	2 months of internet em...		260.00	178,311.28
Check	01/11/2016	101495	Great American Financia...	copier lease		63.34	178,247.94
Check	01/11/2016	101496	Darrell H. Baucom	reimbursement of expen...		124.95	178,122.99
Deposit	01/15/2016			Deposit	18,807.25		196,930.24
Deposit	01/29/2016			Deposit	649.70		197,579.94
<b>Total American Community Bank</b>					<b>19,456.95</b>	<b>25,170.26</b>	<b>197,579.94</b>
<b>TOTAL</b>					<b>19,456.95</b>	<b>25,170.26</b>	<b>197,579.94</b>

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Town of Fairview  
Park Related costs

<u>Date</u>	<u>Services</u>	<u>Payee</u>	<u>Check Number</u>	<u>Amount Paid</u>
2/9/2015	Design development - initial bill	Benesch	101245	8,370.00
4/13/2015	Design development - second bill	Benesch	101268	1,335.00
5/11/2015	Design development - third bill	Benesch	101292	4,610.00
6/8/2015	Design development - fourth bill	Benesch	101321	1,010.00
6/23/2015	NC DOT driveway permit application fee	NC DOT	101329	50.00
6/23/2015	NC DENR erosion and sedimentation app fee	NC DENR	101330	260.00
7/10/2015	Construction documents - June 28, 2015	Benesch	101335	9,420.00
8/10/2015	Construction documents - July 26, 2015	Benesch	101359	2,355.00
8/27/2015	NC DENR storm water permit	NC DENR	101383	505.00
9/14/2015	Construction docs - Aug 18 and perc test	Benesch	101385	1,895.00
10/12/2015	Const docs, permitting and bidding	Benesch	101411	6,255.00
11/9/2015	Bidding on park	Benesch	101437	3,100.00
12/7/2015	Amendment #1 for turn lane design	Benesch	101488	4,900.00
Total incurred costs-to-date				44,065.00

Park Budget	
Design and construction management	47,100.00
Cost to develop park	560,000.00
Contingency	28,000.00
Total park costs	635,100.00

Town of Fairview  
Pond Related Costs

<u>Date</u>	<u>Services</u>	<u>Payee</u>	<u>Check Number</u>	<u>Amount Paid</u>
10/13/2014	Garcia Forest Services - weed control	Garcia Forest	3471	1,450.00
3/9/2015	Foster Lake and Pond - lowering pond level	Foster Lake	101248	2,450.00
Total for 14/15 fiscal year				3,900.00
8/10/2015	Foster Lake and Pond - pond renovation	Foster Lake	101356	22,833.59
9/14/2015	Warlick Trucking - Grading, etc on pond site	Warlick Trucking	101386	9,500.00
Total paid-to-date on pond renovation and maintenance				36,233.59



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# Zoning Permits 2016

2016

<u>Date</u>	<u>CK#</u>	<u>Permit #</u>	<u>Type</u>	<u>Fee \$</u>	<u>Name</u>	<u>Address</u>	<u>Parcel#</u>
12-Jan	4353	A-16-001	Accessory	\$50	Tomberlin Inc	9716 Tallwood Dr. IT	8210037
Totals		1		\$50			



## **Teresa Gregorius**

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**From:** Ed Humphries  
**Sent:** Thursday, January 21, 2016 9:41 AM  
**To:** Teresa Gregorius; Bradley Purser; Gary Wilfong; Jerry Clontz; John Biggers; Philip Thomas  
**Cc:** Edwin Shaver; Greg Morgan; Jesse Hargett; John Crowell; John Phifer; Nancy H. Randall; Patricia Kindley; Patti Freeman; Tony Helms  
**Subject:** CRTPO

### **January 20 MPO Meeting Results**

Election of Officers: Mayor Jim Taylor of Matthews was elected Chairman of the CRTPO, and Mayor Pro Tem Michael Johnson of Statesville was elected Vice-Chairman of the CRTPO for 2016.

Charlotte Metropolitan Regional Strategy: The MPO approved a vote to reaffirm the current Charlotte metropolitan regional strategy for managed lanes.



**Neil Burke, AICP PTP | Planning Coordinator**  
Charlotte Regional Transportation Planning Organization  
[704-353-0198](tel:704-353-0198) | [nburke@charlottenc.gov](mailto:nburke@charlottenc.gov)

### **Ed Humphries**

Land Use Administrator  
Town of Fairview  
7400 Concord Highway  
Monroe NC 28110  
704.564.3412  
[ehumphries@fairviewnc.gov](mailto:ehumphries@fairviewnc.gov)



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deciding whether to print this email.

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## Ed Humphries

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**From:** Tony Helms [tfhelms6@gmail.com]  
**Sent:** Monday, February 01, 2016 10:16 AM  
**To:** Ed Humphries  
**Subject:** Monroe/Union County Economic Development

Hi Ed,

We did not have a board meeting in January. We met in small groups. I am serving on the Aero Space/ Additive Manufacturing group.

We discussed different ways that we may attract suppliers for Boeing in Charleston to relocate to our area. We discussed services that may could be added such as specialized machining, specialized materials, special coatings and specialized testing.

Our committee will development a work plan as we try to promote our area for this market.

# Contract with N\*Focus For Council Retreat



Planning • Public Administration • Urban Design

January 19, 2016

Ed Humphries, Manager  
Town of Fairview  
704-564-3412  
7400 Concord Highway  
Fairview, NC 28110  
ehumphries@fairviewnc.gov

Dear Ed,

I respectfully submit this Proposal for your review and your mayor and board's consideration & approval to provide a facilitator for the Town of Fairview's Retreat.

It would be our pleasure to provide Leamon B. Brice as facilitator for the Town of Fairview's Retreat. As recently retired, long time Manager of the Town of Davidson, Leamon brings a wealth of knowledge and years of experience working with town boards and staff that can be highly beneficial during a retreat environment.

Per Mayor Thomas' request the agenda will be focused on determining his board's expectations, establishing its goals, and setting priorities over the next four to five years.

The fee for the four (4) hour retreat, tentatively scheduled for some time in March, is One Thousand Four Hundred and no/100's (\$1,400.00) dollars.

Should you have any questions, please advise. My contact information appears below. Upon approval please return an executed copy of the attached acceptance via e-mail.

We look forward to the opportunity to serve the Town of Fairview.

Respectfully,

*Patti Rader*

Patti Rader, Manager  
prader@nfocusplanning.org

Ed Humphries, Manager  
Town of Fairview

January 19, 2016

ACCEPTANCE:

*Patricia A. Rader*

*January 19, 2016*

\_\_\_\_\_  
Patricia A. Rader, Manager  
N-Focus Planning & Design, Inc.  
prader@nfocusplanning.org  
704-933-0772

\_\_\_\_\_  
Date

ACCEPTED on behalf of the Local Government by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of authorized person signed above

Seal of the unit of Local Government

ATTEST:

\_\_\_\_\_  
Clerk to the Governing Board/Council

\_\_\_\_\_  
Date

This document has been pre-audited in accordance with applicable North Carolina General Statute.

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Date

# Rules of Procedure

For the Town Council

## **Town of Fairview**

### **Rules of Procedure for the Town Council**

The following policy of the rules and regulations OF THE TOWN OF FAIRVIEW, is hereby adopted and approved as stated below:

#### **Rule 1 . Regular Meetings**

The Town Council ("Council") shall hold a regular meeting on the second Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at the Town of Fairview Council Chambers and shall begin at 7:00 p.m. A copy of the Council's current meeting schedule shall be filed with the town clerk.

#### **Rule 2. Special, Emergency, and Recessed Meetings**

**(a) Special Meetings.** The mayor, the mayor pro tempore, or any two members of the Council may at any time call a special Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each Council member or left at his or her usual dwelling place; (2) posted on the Council's principal bulletin Board, or if none, at the door of the Council's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice. Even in such a case, the Council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Council's principal bulletin Board, or if none, at the door of the Council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each Council member not present at the meeting at which the special meeting was called or scheduled and to the mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.



**(b) Emergency Meetings.** Emergency meetings of the town Council may be called only because of generally unexpected circumstances that require immediate consideration by the Council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Council.

1. The mayor, the mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered(email is acceptable) to the mayor and each Council member or left at his/her or her usual dwelling place at least six hours before the meeting.
2. An emergency meeting may be held at any time when the mayor and all members of the Council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services, or station's telephone number, with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the Council members and shall be given at the expense of the party notified.

**(c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

### **Rule 3. Organizational Meeting**

On the date and at the time of the first regular meeting in December following a general election in which Council members are elected, or at an earlier date, if any, set by the incumbent Council, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the council will appoint a new Mayor Pro Tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

### **Rule 4. Agenda**

**(a) Proposed Agenda.** The town clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least seven calendar days before the meeting, except that requests by a Council member may be made on shorter time. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as

much background information on the subject as is available and feasible to reproduce. Each Council member shall receive a copy of the proposed agenda and the agenda package and they shall be available for public inspection and distribution or copying when they are distributed to the Council members.

**(b) Adoption of the Agenda.** As its first order of business at each meeting, the Council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the Council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Council members.

The Council may by majority vote add items to or subtract items from the proposed agenda, except that (a) the Council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two Council members, unless those calling the meeting consent to the deletion, (b) the Council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two Council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The Council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The Council may designate certain agenda items “for discussion and possible action.” Such designation means that the Council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(c) Consent Agenda.** The Council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

**(d) Open Meetings Requirements.** The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. The Council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

## **Rule 5. Public Address to the Council**

Any individual or group who wishes to address the Council shall make a request to be on the agenda to the town clerk. However, the Council shall determine at the meeting whether it will hear the individual or group.

## **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

1. Invocation and Pledge of Allegiance
2. Public comment on agenda items
3. Revision and adoption of the proposed agenda
4. Reports from Planning Board, Council, Departments and other town staff
5. Public hearings, if any
6. Action items
7. Approval of Minutes
8. Council Comments
9. Closed Session (if one is planned or added)
10. Adjournment

By general consent of the Council, items may be considered out of order. By majority vote of Council, new agenda items may be added at any time during the meeting.

Public comment on agenda items shall be as follows: A signup sheet will be provided in the meeting room prior to the meeting's call to order. Those desiring to speak on issues on that meeting's agenda will sign their name on the signup sheet. At the time of public comments, the Mayor will call out the names of those who have signed the signup sheet to speak, and at that time the speaker will approach the podium, give their name (for purposes of later identification on the tape recording) and may speak for up to three minutes. The Mayor, in his/her discretion, may extend the time allotted for each speaker.

The public may also speak on Agenda items during the meeting prior to any voting by Council should the Mayor elect. If the Mayor elects to allow public comments prior to voting on any Agenda items, the person desiring to speak on said items shall raise their hand, and if recognized by the Mayor, approach the podium, announce their name (for purposes of later identification on the tape recording) and speak for up to three minutes. The Mayor, in his/her discretion, may extend the time allotted for each speaker and may to allow citizens to address the Council more than one time on any agenda item.

In the event any citizen unduly interrupts the business of the meeting, fails to comply with these rules of procedure, or continues to speak after the time allotted when the time is not extended by the Mayor, the Mayor may request the police to escort the citizen from the premises.

A consent agenda is for items the Clerk deems non-controversial, such as adoption of minutes, standard resolutions (particularly those adopted every year by the Town), and citizen requests. All items on the Consent Agenda may be adopted by one motion. In the event any member of

Council desires an item on the Consent agenda removed from the Consent Agenda and moved to a regular agenda item for further discussion that Motion should be made during the revision and adoption of the agenda (item 3 above).

### **Rule 7. Office of Mayor**

The mayor shall preside at all meetings of the Council but shall have the right to vote only when there is a tie. In order to address the Council, a member must be recognized by the mayor.

The mayor or other presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his/her or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

A mayor or other presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time.

### **Rule 8. Office of Mayor Pro Tempore**

A Council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his/her or her office, the Council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the mayor shall resume the exercise of his/her or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chairman to preside at the meeting.

### **Rule 9. When the Presiding Officer Is in Active Debate**

The mayor or other presiding officer shall be allowed to actively engage in debate while presiding.

### **Rule 10. Action by the Council**

The Council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 30. Any member may make a motion.

### **Rule 11. Each Motion Requires a Second.**

### **Rule 12. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 13. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

### **Rule 14. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 26 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

### **Rule 15. Voting by Written Ballot**

The Council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the town clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

### **Rule 16. Debate**

The mayor and Council shall be allowed to discuss agenda items prior to a motion being made. Once a motion and second have been made, the mayor shall state the motion and then open the floor to further debate on it. The mayor shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure

## **Rule 17. Ratification of Actions**

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

## **Rule 18. Procedural Motions**

**(a) Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**(b) Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his/her or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of Council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.**

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The Council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the Council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

**Motion 6. To Go into Closed Session.** The Council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a) (1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Council expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.** A motion is made to come out of closed session.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The Council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

**Motion 13. To Amend.**

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, order, policy, or resolution shall be reduced to writing before the vote on the amendment.

**Motion 14. To Revive Consideration.** The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The Council may vote to reconsider its action on a matter. The

motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Council excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the Council, whichever occurs first.

#### **Rule 19. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

#### **Rule 20. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

#### **Rule 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his/her or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

#### **Rule 22. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council.

#### **Rule 23. Adoption of Ordinances and Approval of Contracts**

**(a) Generally.** An affirmative vote equal to a majority of all the members of the Council not excused from voting on the question in issue (including the mayor's vote in case of an equal



division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the Council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken, although an ordinance already in writing may be adopted with clear directives to add minor changes.

**(b) Zoning Protest Petitions.** A written petition of protest may be filed with reference to any proposed change or amendment to the zoning map. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the city council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

#### **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any town charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Council and ending with the adoption of the budget ordinance, the Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the Council has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the Council if it is otherwise prohibited by law from holding such a meeting or session.

#### **Rule 25. Closed Sessions**

The Council may hold closed sessions as provided by law. The Council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on

G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The Council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

### **Rule 26. Quorum**

A majority of the actual membership of the Council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. Therefore, since there are four members of Council, plus the Mayor (total of five), a quorum shall be three members of Council (if in the absence of the Mayor) or two members of Council (if Mayor is present), assuming there are no vacant seats. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

### **Rule 27. Public Hearings**

Public hearings required by law or deemed advisable by the Council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Council meetings shall also apply to public hearings at which a majority of the Council is present; such a hearing is considered to be part of a regular or special meeting of the Council. These requirements also apply to hearings conducted by appointed or elected committees of the Council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Council is present.

The Council may vote to delegate to town staff members, as appropriate, the authority to

schedule, call, and give notice of public hearings required by law or the Council. The Council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the Council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

### **Rule 28. Quorum at Public Hearings**

A quorum of the Council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Council meeting without further advertisement.

### **Rule 29. Minutes**

Full and accurate minutes of the Council proceedings, including closed sessions, shall be kept. The Council shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the Council approves.

Minutes and general accounts of closed sessions may be sealed by action of the Council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session. All Closed session minutes must be approved by the Council to be open to the public.

### **Rule 30. Appointments**

The Council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The Council may not consider or fill a vacancy among its own membership except in open session.

Recommendations to council shall be presented by the Town Clerk to fill vacancies on established boards and commissions.

Council can approve appointments as part of the consent agenda if there is only one qualified candidate for a vacancy.

Where there is more than one qualified candidate, the names submitted shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote. The nominee(s) receiving the highest number of votes shall be appointed. If more than

one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his/her votes and cast them for different nominees. The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed.

### **Rule 31. Committees and Boards**

**(a) Establishment and Appointment.** The Council or the mayor, if the mayor is delegated that power by the Council, may establish and appoint members for such temporary and standing town committees and Boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and Councils shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the town's professional staff or city employees.

### **Rule 32. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the Council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the Council.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2016

# Code of Ethics

## For Town Council



**Code of Ethics  
Mayor and Council  
The Town of Fairview, North Carolina**

**PREAMBLE**

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, *Esse quam videri*, "To be rather than to seem," and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this town, and with obeying the law.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of Fairview, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Mayor and Council do hereby adopt the following General Principles and Code of Ethics to guide the Mayor and Council of Fairview in its lawful decision-making.

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council Members must be able to act in a manner that maintains their integrity and independence, yet is responsible to the interests and needs of those they represent.
- Council Members must always remain aware that at various times they play different roles:

- \* As advocates, who strive to advance the legitimate needs of their citizens;
  - \* As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
  - \* As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council Members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
  - Council Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

## **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and Council of Fairview and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for the Mayor's or Council Member's best judgment.

### **Section 1.**

The Mayor and Council Members should obey all laws applicable to their official actions as members of the Council of Fairview. Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council Members or citizens. To declare that a Council Member is behaving unethically because one disagrees with another Council Member on a question of policy (and not because of the Council Member's behavior) is unfair, dishonest, irresponsible, and it unethical.

The Mayor and Council should endeavor to keep up to date, through the town's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the Council may receive concerning specific situations that arise.

### **Section 2.**

The Mayor and Council should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values;
- Behaving consistently and with respect toward everyone with whom they interact;
- Exhibiting trustworthiness;

- Living as if they are on duty as elected officials regardless of where they are or what they are doing;
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves;
- Treating other Council Members and the public with respect and honoring the opinions of others even when the Council Members disagree with those opinions;
- Not reaching conclusions on issues until all sides have been heard;
- Showing respect for their offices and not behaving in ways that reflect badly on those offices;
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual Council Members are not generally allowed to act on behalf of the Council, but may only do so if the Council specifically authorizes it, and that the Council must take official action as a body; and
- Avoiding conflicts of interest.

### **Section 3.**

(a) Mayor and Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Mayor and Council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

(b) If the Mayor or Council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the town's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

### **Section 4.**

The Mayor and Council Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

The Mayor and Council Members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Council has authority.

The Mayor and Council Members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interests ahead of their own.

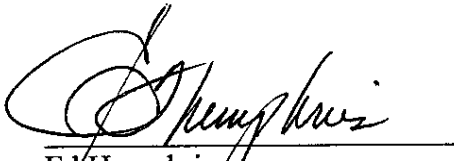


## Section 5.

The Mayor and Council should conduct the affairs of the Council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to Council Members or their employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Council Members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Council are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Adopted this 8<sup>th</sup> day of November, 2010

  
Ed Humphries  
Interim Town Clerk

  
Mayor Elizabeth Long



# Invocation Policy

## PRAYER POLICY FOR TOWN OF FAIRVIEW

WHEREAS the Town of Fairview, State of North Carolina and the United States of America all have a religious heritage; and

WHEREAS opening meetings of legislative bodies with an invocation has become a part of the history of the United States and generally has a salutary effect on such meetings and its participants; and

WHEREAS the purpose of such invocations is not and should not be used to proselytize or advance any one faith or belief nor to disparage any faith or belief; and

WHEREAS the U.S. Supreme Court in *Town of Greece v. Galloway* has given indication that such invocations are permitted and proper, in circumstances where an elected body invites religious leaders from its area to provide invocations without any preference to their denomination in a manner to foster widespread participation throughout the community while solemnizing the occasion of the meeting, expressing confidence in the future and encouraging the recognition of what is worthy of appreciation in society; and

WHEREAS the Town Council of Fairview does not desire to require participation by anyone in its invocation if they do not want to participate and the Council does not desire to inhibit the expression of any of the different religious views held by the citizens of Fairview.

### NOW THEREFORE IT IS RESOLVED AS FOLLOWS:

1. At or immediately prior to the call to order for the conducting of public business of regular meetings of the Town of Fairview Council, there shall be held an invocation inviting only those in attendance who wish to do so to participate.
2. The invocation shall be led by leaders of religious congregations worshipping in the Town of Fairview according to their beliefs within the parameters set out hereafter. Such congregational leaders shall be invited by the Council to provide invocations for Board meetings as stated hereafter in order to celebrate the rich and diverse religious heritage of the Town of Fairview.
3. The only guidance provided to such congregational leaders in the invocation shall be:
  - (a) Invocations shall be intended to focus the participants of such meetings on their greater purposes and invoke guidance;
  - (b) Invocations shall be relatively brief and should not be directed at any particular issue pending before the council.
  - (c) Invocations must not be intended to advance any one faith or belief or to disparage any other faith or belief.

4. No one attending such meeting, including elected members or employees, shall be required to participate in any prayer that is offered.
5. The Clerk shall keep a list of persons giving or requesting to give invocations and such list will be made public.
6. Should the person scheduled to provide an invocation not be present at the scheduled time or should no person be scheduled for a meeting, a person designated by the Mayor may provide such invocation on the terms as set out herein.
7. This resolution is effective upon adoption.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_(SEAL)  
Mayor

Attested:

\_\_\_\_\_(SEAL)  
Town Clerk

# Minutes

January 11, 2016



**Town of Fairview  
Regular Meeting  
January 11, 2016**

The following Council members were present: Mayor Phil Thomas, John Biggers, Jerry Clontz, Bradley Purser, and Gary Wilfong.

Others present: Joe McCollum, Town Attorney; Darrell Baucom, Financial Officer, Ed Humphries, Land Use Administrator / Deputy Clerk and Teresa Gregorius, Town Clerk

**Agenda Changes**

Bradley Purser requested a name change for Presentation 2b from Bradley Purser to Chris Jones, Assistant Fire Chief, FVFD.

**Approval of Agenda**

John Biggers made a motion to approve the agenda as amended. Jerry Clontz seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

**Public Comments**

Tom Acklam spoke promoting the VFW baseball tournament.

**Presentations:**

Tom Moyer with Moyer, Smith & Roller, PA presented the 2014-2015 Town audit.

Chris Jones, Assistant Chief, FVFD reported that the new fire truck purchased by the Town was delivered on January 8<sup>th</sup> and representatives from the fire department have brought the truck over for the Mayor and Council to see. He expressed his appreciation to the Town for purchasing the truck.

John Biggers asked when the truck would be going into service. Mr. Jones stated it would take a few weeks to mount additional equipment purchased, obtain license plate and train all drivers on the truck.

Wyatte McBryde, Chief FVFD stated that the fire department committee did a fantastic job and it is an impressive truck and the Town should be very proud of it.

## **Reports**

- a) Darrell Baucom gave the financial report.

Jerry Clontz requested that Mr. Baucom move Garcia Forest Service invoices from Pond Related Costs to Park Related Costs.

- b) Ed Humphries distributed the Land Use Report in the agenda packet.

- c) Jerry Clontz gave the Park and Recreation report.

Mr. Clontz responded to a question asked earlier by John Biggers regarding the additional cost for the turn lane plans. Mr. Clontz stated that he has informed Alfred Benesch to hold up on all plans until the turn lane issue has been settled. Representative Brody via email has promised to contact Mr. Clontz by next week with a final answer. Mayor Thomas has also spoken with Representative Dean Arp regarding the turn lane situation and he is also checking into the matter.

- d) John Biggers gave the CRTPO report.

Mr. Biggers stated that there was no December meeting but the I-77 toll lane issue will be coming up again at the next meeting. Charlotte/Mecklenburg is voting tonight at their meeting as to how their representative will vote at the CRTPO meeting. With 48 votes, and if they vote for the toll lane, it is pretty much a done deal.

- e) Tony Helms distributed his Monroe/Union County Economic Development Committee report in the agenda packet.

## **Items of Business**

- A. Conduct Public Hearing to Amend Section 60 a (1) & (2) b & d Authorizing Use, Occupancy, or Sale Before Completion of Development Permit # TC 15-062:

Ed Humphries stated the changes that the General Assembly made on Section 60. (See Exhibit A)

Mayor Thomas opened the public hearing. There were no public comments. Mayor Thomas closed the public hearing.

- B. Decision on Text Amendment #TC 15-062:

Jerry Clontz made a motion to adopt text amendment #TC 15-062 which would include our zoning statement. Bradley Purser seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

- C. Appoint Patricia Kindley as Fairview Historian and add History link to website:

Bradley Purser made a motion to appoint Patricia Kindley as Fairview Historian and add a history link to the Town website. John Biggers seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

D. Authorize Phil Thomas and re-authorize Jerry Clontz as signers on the Town's two checking accounts:

John Biggers made a motion to authorize Phil Thomas and re-authorize Jerry Clontz as signers on the Town's two checking accounts (Bank of NC and Yadkin Bank). Gary Wilfong seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

E. Request from Sam F. Keziah American Legion Post 535 for \$5000 donation to help fund a baseball tournament:

Alan Mitchell, Head Coach presented the Council with information regarding the state legion baseball tournament to be held at Wingate University this summer. Mr. Mitchell fielded questions from the Council. (Copy of Grant Request in Clerk's Office)

Bradley Purser made a motion that the Council make a \$4000 donation to the Sam F. Keziah American Legion Post 535 baseball team for the baseball tournament. Gary Wilfong seconded the motion. Councilmen Biggers, Purser and Wilfong voted yes, Clontz voted no. Motion passed (3-1).

John Biggers requested that Mr. Mitchell come back to the Council after the tournament and give a report on how the tournament turned out.

F. Approve Meeting Dates for Council in 2016:

The 2016 meeting dates for the Council were presented by Ed Humphries. (See Exhibit B)

John Biggers made a motion to accept the meeting dates for 2016. Jerry Clontz seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

G. Minutes

Gary Wilfong made a motion to approve the minutes of the December 14, 2015. John Biggers seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

**Council Comments**

Gary Wilfong thanked the board for considering and contributing to the Sam F. Keziah American Legion Post 535 baseball tournament.

Jerry Clontz noted that the new fire truck purchased for the fire department was too large to fit in the firehouse bay and will have to be parked in the unheated metal building beside the fire house.



Bradley Purser stated that the new fire truck will fit and be housed in the new metal building beside the fire house that will have heating installed.

Gary Wilfong asked the Council if, in the future, commercial or private donations could be made to fund items or attractions for the Town Park. Jerry Clontz stated that once the park is complete there will be opportunities for donations for various items and/or projects.

Mayor Thomas reminded the Council that there will be a joint training session with the Planning Board on February 16<sup>th</sup> beginning at 6:00 PM. Dinner will be provided. Mayor Thomas informed the Council that he is working on a planning retreat and will present a proposal in February. Mayor Thomas asked the Council to think about types of celebrations that the town could have and residents that would be willing to serve on a committee to plan these celebrations. Mayor Thomas is reviewing various samples of Rules of Procedure and will bring a version to the Council for discussion and possible adoption in February.

Jerry Clontz made a motion to adjourn. Bradley Purser seconded the motion. Councilmen Biggers, Clontz, Purser and Wilfong voted yes (4-0).

Respectfully submitted,

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Teresa Gregorius  
Town Clerk

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Phil Thomas  
Mayor

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

# Town Charter

Added to packet as  
information

## **CHARTER OF THE TOWN OF FAIRVIEW**

### **Chapter I - Incorporation and Corporate Powers**

- 1-1. Incorporation and corporate powers. The inhabitants of the Town of Fairview, which is described in Section 2.1 of this Charter, are a body corporate and politic under the name "Town of Fairview". Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

### **Chapter II - Corporate Boundaries**

- 2-1. Town boundaries. Until modified in accordance with law, the boundaries of the Town of Fairview are as follows:

Beginning at the county line on Highway 601 North at Cabarrus County and Union County and following the county line east to Rocky River, then following the south side of Rocky River to Sikes Mill Road. Follow the centerline of Sikes Mill Road, crossing Highway 218 East, until it intersects with Old Fish Road, then taking the centerline of Old Fish Road west until it intersects with Unionville-Brief Road. Taking the centerline of Unionville-Brief Road south until Unionville-Brief Road intersects with Clontz-Long Road. Following the centerline of Clontz-Long Road west until it intersects with Highway 601 and following the centerline of Highway 601 south until it intersects with Lawyers Road. Taking the centerline of Lawyers Road west until it intersects with Howey Bottoms Road. Taking the centerline of Howey Bottoms Road until it intersects with Mill Grove Road and following the centerline of Mill Grove Road west crossing Highway 218 West, until it reaches the Mecklenburg County line. Following the Mecklenburg County line until it reaches the Cabarrus County line and following the Cabarrus County line east to Highway 601 North.

### **Chapter III - Governing Body**

- 3-1. Structure of Governing Body: Number of Members. The governing body of the Town of Fairview will be the Town Council, which will consist of four members and the mayor.

- 3-2. Temporary Officers: Until the initial election in 2001 provided for by Section 4-1 of this Charter, Richard Williams is hereby appointed Mayor, and Brad Purser, Kathy Casey, Jerry Clontz, and Libby Long are hereby appointed members of the Town Council, and they shall possess and may exercise the powers granted to the Mayor and Town Council until their successors are elected to or appointed and qualify pursuant to this Charter.
- 3-3. Manner of Electing Town Council and Term of Office. The qualified voters of the entire town shall elect the members of the Town Council. Except as provided by this section, members are elected to a four-year term. In 2001, the two candidates receiving the highest number of votes are elected to a four-year term, and the two candidates receiving the next highest numbers of votes are elected to two-year terms. In 2001 and each two years thereafter, two members are elected for a four-year term.
- 3-4. Manner of Electing Mayor and Term of Office: The qualified voters of the entire Town shall elect the Mayor. The Mayor shall be elected in 2001 and each four years thereafter for a four-year term.

#### **Chapter IV - Elections:**

- 4-1. Conduct of Town Elections. Town officers shall be elected on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

#### **Chapter V - Administration:**

- 5-1. Town to Operate Under Mayor - Council Plan. The Town of Fairview operates under the Mayor-Council Plan as provide in Part 3 of Article 7 of Chapter 160A of the General Statutes.
- 5-2 From and after the effective date of this act, the citizens and property in the Town of Fairview shall be subject to municipal taxes levied for the year beginning 2001, and for that purpose the Town shall obtain from Union County a record of property in the area herein incorporated which was listed for taxes as of January, 2001. The Town may adopt a budget ordinance for fiscal year 2001-2002 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical.

For fiscal year 2001-2002, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 2001. If this act is ratified before July 1, 2001, the town may adopt a budget ordinance for fiscal year 2000-2001 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical, but no ad valorem taxes may be levied for the 2000-2001 fiscal year.